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Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ROXANA DEL TORO LOPEZ and ANA
MEDINA, on behalf of themselves, and all
others similarly situated,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

Case No. 4:17-cv-06255-YGR

**SUPPLEMENTAL POST-
DISTRIBUTION ACCOUNTING**

Judge: Yvonne Gonzalez Rogers

Hearing Date: July 19, 2019

Hearing Time: 9:01 am

Courtroom: Courtroom 1, 4th Floor

Pursuant to the Court's January 15, 2019 Order Continuing Compliance Hearing, ECF No. 79, and the Northern District of California's Procedural Guidance for Class Action Settlements updated November 1, 2018 and December 5, 2018 ("Settlement Guidance"), Plaintiffs submit this Supplemental Post-Distribution Accounting.

Communications with Class Members with Uncashed Checks

Counsel for both parties and the Settlement Administrator have made their best efforts to ensure that all checks issued to Class Members were cashed before the expiration date. As of June 3, 2019, 29 of 483 (6.0%) of Class Members had not yet cashed their settlement checks. Supplemental Declaration of Jahan C. Sagafi re Post-Distribution Accounting ("Supp. Sagafi Accounting Decl.") ¶ 7. Between that date and the check-void date of June 16, 2019, Counsel for Uber and Class Counsel collectively made their best efforts to contact via Uber email and last known email all Class Members who had not yet cashed their settlement checks, informing them that the deadline to cash the checks was approaching. *Id.* ¶ 8. Additionally, on June 14, 2019, Class Counsel called the remaining 15 Class Members who had neither cashed their checks nor requested that their checks be reissued to inform them of the impending deadline. *Id.* ¶ 9. The parties agreed that any checks that were reissued during this process would have a void date of 30 days after reissue, even if that meant they would expire after June 16, 2019. *Id.* ¶ 10.

As of the date of this filing, eight out of the 483 checks (1.7%) remain uncashed. Supplemental Declaration of Jennifer M. Keough Re Final Accounting ("Supp. Keough Accounting Decl.") ¶ 10. However, four of those eight checks were reissued in the past several weeks in response to requests from the Class Members. *Id.* Accordingly, the Settlement Administrator expects that only four uncashed checks (0.8% of all checks) worth \$9,426.71 (0.2% of the total value of checks issued) will remain uncashed. *Id.* In other words, 99.8% of the funds designated for Class Member payments have been received by Class Members. The remainder will be split evenly among three cy pres award recipients (Girls Who Code, the Mexican American Legal Defense and Educational Fund ("MALDEF"), and the NAACP Legal Defense and Educational Fund ("LDF")), in accordance with the Settlement Agreement.

Post-Distribution Accounting Chart

The following chart summarizes the distribution of settlement funds and other accounting information per the Northern District of California's Settlement Guidance. It updates the chart previously filed at ECF No. 78.

1. Total Settlement fund ¹	\$10,381,463.96
2. Total number of Class Members ²	483
3. Total number of Class Members to whom Notice was sent and not returned as undeliverable	481
4. Number and percentage of Claim Forms submitted to submit Claim Forms to Participate in the Settlement	56 (or 12%)
5. Number and percentage of opt-outs	2 (or 0.4%)
6. Number and percentage of objections	0 (or 0%)
7. Average recovery per Class Member	\$12,426.67
8. Median recovery per Class Member	\$8,516.67
9. Largest amount paid to a Class Member	\$105,266.77
10. Smallest amount paid to a Class Member	\$22.58
11. Methods of notice to Class Members	Mail and e-mail
12. Method of payment to Class Members	Check
13. Number of checks not cashed	8 ³
14. Value of checks not cashed	\$33,397.31 ⁴
15. Amounts distributed to each cy pres recipient (projected, based on the assumption that 4 of 8 uncashed checks, worth \$23,970.60, will be cashed)	Girls Who Code: \$3,142.24 MALDEF: \$3,142.24 LDF: \$3,142.24 ⁵
16. Administrative costs	\$110,000
17. Attorneys' fees	\$2,500,000
18. Costs of litigation	\$152,958
19. Attorneys' fees as a percentage of the settlement fund	25%
20. Attorneys' fees multiplier	2.7x ⁶

¹ The information in items 1, 7-10, 12-14, and 16 is from the Supp. Keough Accounting Decl., which is filed together with this accounting.

² The information in items 2-6 and 11 is from the Keough Final Approval Decl., ECF No. 62.

³ As noted above, JND has recently reissued four of these eight uncashed checks, totaling \$23,970.60, and expects these checks to be cashed. Supp. Keough Accounting Decl. ¶ 10.

⁴ As noted above, once the four remaining reissued checks are cashed, the value of checks not cashed is expected to be \$9,426.71. Supp. Keough Accounting Decl. ¶ 10.

⁵ These calculations are based upon the projection that four checks, worth a total of \$9,426.71, will remain unclaimed.

⁶ As of Final Approval, Plaintiffs' lodestar multiplier was 2.9x. ECF No. 72 at 7. This multiplier decreased to 2.8x as of Plaintiffs' initial accounting, filed January 11, 2019, ECF No.

Injunctive Relief

In addition to the monetary relief, Uber agreed as part of the settlement to injunctive relief and monitoring for a period of three years. As discussed in greater detail in the Preliminary Approval Motion, ECF No. 33, the injunctive relief includes regular reporting of diversity metrics, retaining an independent consultant to work with Uber on validation of job classifications and selection mechanisms; and evaluating compensation and promotions for class positions. *See* Settlement Agreement, ECF No. 61-1, §§ 3.1-3.7. The Settlement Agreement includes a three-year external monitoring period, during which Uber will provide regular written reports to Class Counsel describing the progress made in implementing the programmatic relief. *Id.* § 3.9. The parties met for the first monitoring meeting on May 23, 2019, prior to which Uber provided a detailed report as to the implementation of the Settlement Agreement. Supp. Sagafi Accounting Decl. ¶¶ 2-3. The next monitoring meeting will be held in or around November 2019. *Id.* ¶ 5.

Dated: July 12, 2019

Respectfully submitted,

By: /s/ Jahan C. Sagafi

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78 at 4, and is now 2.7x due to Plaintiffs' ongoing work on monitoring and settlement distribution, Supp. Sagafi Accounting Decl. ¶¶ 11-13.

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